

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

CHADRICK NILES RALPH,

Petitioner,

v.

JACKIE MATHENY,

Respondent.

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NO. 4:06-cv-18

MEMORANDUM

Chadrick Niles Ralph (“Ralph”), a pretrial detainee in the Warren County jail, brings this *pro se* habeas corpus petition, which is deemed to have been brought under the authority of 28 U.S.C. § 2241. The petitioner has paid the \$5.00 filing fee. The Clerk is **DIRECTED** to serve a copy of the petition, this Memorandum, and the Judgment Order on the respondent and the Attorney General of the State of Tennessee. For the reasons stated below, however, the respondent shall not be required to file an answer or other pleading to the petition and this petition will be dismissed.

It is well-settled law that a state prisoner's petition for a writ of habeas corpus will not be granted, unless the petitioner demonstrates that he has exhausted his available state court remedies, or that there is an absence of state corrective process, or that resort to those remedies would be futile. 28 U.S.C. § 2254(b)(1); *Rose v. Lundy*, 455 U.S. 509 (1982), *Leslie v. United States*, 89 Fed.Appx. 960, 961-62 (6th Cir. 2004) (unpublished decision). Petitioner contends that the respondent’s restraint and imprisonment of him are unlawful as no criminal action has been commenced against him by the State of Tennessee. However, the petitioner does not indicate that he has ever raised any issues regarding his purportedly warrantless and unlawful arrest as grounds for dismissal of the

charges. See *Atkins v. Michigan*, 644 F.2d 543, 547-48 (6th Cir. 1981) (requiring exhaustion of speedy trial claim by pretrial detainee). It is the petitioner's burden to show exhaustion of state remedies, *Rust v. Zent*, 17 F.3d 155, 160 (6th Cir. 1994), and he has failed to do so.

Accordingly, this petition is hereby **DISMISSED** without prejudice for non-exhaustion of state remedies.

An appropriate judgment will enter.

s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE